

Appendix VI-5 Evaluation Checklist for Supplemental Environmental Projects

SUPPLEMENTAL ENVIRONMENTAL PROJECTS EVALUATION WORKSHEET

Program: _____ Evaluator: _____

Case: _____ Date: _____

A. Description

B. Compliance

- | | | |
|---|------------------------------|-----------------------------|
| 1. Has compliance with the applicable regulation been achieved? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 2. Has all harm caused by the violation been remediated? | <input type="checkbox"/> yes | <input type="checkbox"/> no |

C. Environmental Management Hierarchy:

- | | | |
|---|------------------------------|-----------------------------|
| 1. Does the SEP involve pollution prevention techniques? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 2. Does the SEP reduce the amount of waste generated? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 3. Does the SEP recycle wastes generated? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 4. Will the SEP be conducted in a community where environmental equity is an issue? | <input type="checkbox"/> yes | <input type="checkbox"/> no |

D. Definition and Key Characteristics:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Does the SEP improve public health or the environment at large? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 2. Does the SEP protect public health or the environment at large? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 3. Does the SEP reduce the risks to public health or the environment? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 4. Has DES had an opportunity to shape the scope of the SEP | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 5. Has the SEP not commenced until after DES identified the violation? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 6. Is the SEP's activity required by any federal, state or local regulation? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 7. Is the SEP's activity required by any injunctive relief or settlement? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 8. Will the SEP's activity be a requirement two or more years in the future? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 9. If yes to No. 8, is there a regulatory benefit to the SEP? | <input type="checkbox"/> yes | <input type="checkbox"/> no |

E. Legal Guidelines:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is there a relationship between the violation and the SEP? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 2. Does the SEP remediate or reduce the environmental or public health impact caused by the violation? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 3. Will the SEP reduce the likelihood of similar future violations? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 4. Does the SEP advance at least one objective of the regulation violated? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 5. Does DES manage or control any of the funds used for the SEP | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 6. Does DES retain authority to manage or administer the SEP? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 7. Does the SEP description include what the project is? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 8. Does the SEP description state where the SEP will be conducted? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 9. Does the SEP description state when the SEP will be done? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 10. Has the monetary value of the SEP been agreed upon? | <input type="checkbox"/> yes | <input type="checkbox"/> no |
| 11. Is the SEP something that DES itself is required by statute to do? | <input type="checkbox"/> yes | <input type="checkbox"/> no |

F. Categories

Public Health

- 1. Is the SEP related to the actual or potential damage caused by the violation? [] yes [] no
- 2. Check off the public health components provided:
 - [] diagnostic
 - [] preventive
 - [] remedial
 - [] other: _____
- 3. Is the SEP's benefit directed only to the affected population? [] yes [] no

Pollution Prevention/Reduction

- 1. Does the SEP reduce generation of waste via "source reduction"? [] yes [] no
- 2. Check off all applicable components of source reduction:
 - [] equipment or technology modifications
 - [] process or procedure modifications
 - [] reformulation or redesign of products
 - [] substitution of raw materials
 - [] improvements in housekeeping
 - [] maintenance
 - [] training
 - [] inventory control
 - [] other operation and/or maintenance procedures
 - [] conservation or increased efficiency in the use of energy
 - [] conservation or increased efficiency in the use of water or other materials
- 3. Does the SEP result in a transfer of pollutants to another media? [] yes [] no
- 4. Does the SEP reduce the amount or toxicity of pollution released? [] yes [] no
- 5. Check off all applicable components of pollution reduction
 - [] recycling [] containment
 - [] treatment [] disposal

Environmental Restoration & Protection

- 1. Does the SEP go beyond repairing the damage caused by the violation? [] yes [] no
- 2. Does the SEP enhance the condition of the ecosystem or immediate geographical area adversely affected by the violation? [] yes [] no
- 3. Does the SEP involve remediation of [] facilities [] buildings

Assessments and Audits

- 1. Is the assessment or audit otherwise available as injunctive relief? [] yes [] no
- 2. Check off which type(s) of projects are involved in the SEP
 - [] pollution prevention assessments
 - [] site assessments
 - [] environmental management system audits
 - [] compliance audits
- 3. If a compliance audit is part of the SEP, is the defendant a small business? [] yes [] no
- 4. Will the assessment/audit be done at:
 - the same facility where the violations occurred? [] yes [] no
 - at another facility owned by the violator? [] yes [] no
 - at a different facility in the same ecosystem? [] yes [] no
 - at a different facility in the same geographic area? [] yes [] no

Environmental Compliance Promotion:

1. The SEP will provide to other members of the regulated community:
 - training
 - technical support
2. Check off all of the following which apply:
 - identify, achieve and maintain compliance with regulatory requirements
 - avoid committing violations
 - reduce generation, release or disposal of pollutants beyond regulatory requirements
3. Does the SEP impact the same regulatory program where the violation occurred? yes no
4. Will compliance in the affected sector be significantly advanced by the SEP? yes no

Emergency Planning and Preparedness:

1. The SEP will assist: state, local response/planning entities
2. The SEP will provide:
 - equipment
 - training
3. Is the primary impact of the SEP in the LEPC district where the violation occurred? yes no
4. Is the primary impact of the SEP state-wide? yes no
5. Is the SEP non-cash assistance? yes no
6. Did the violation involve reporting requirements under EPCRA or other regulatory requirements? yes no

Non Acceptable SEPs:

1. Is the SEP a general education or public environmental awareness project? yes no
2. Does the SEP contribute to environmental research at a college or university? yes no
3. Is the SEP unrelated to environmental protection? yes no
4. Does the SEP fail to include a commitment to implement the results of studies or assessments? yes no
5. Is the SEP funded by federal or state loans, contracts or grants? yes no

G. Calculation of the Final Penalty:

Non-Financial Impacts

Does the SEP

1. significantly and quantifiably reduce discharges of pollutants? yes no
2. significantly and quantifiably reduce public health risks? yes no
3. significantly and quantifiably protect/restore ecosystems? yes no
4. develop and implement innovative processes, technologies etc.? yes no
5. If the response to No. 4 above is yes, check off all of the following which apply
 - the SEP reduces generation and/or release of pollutants
 - the SEP conserves natural resources
 - the SEP protects and/or restores ecosystems
 - the SEP protects endangered species
 - the SEP promotes compliance
6. mitigate damage or reduce risk to low income or minority populations? yes no
7. reduce emissions or impacts to more than one media? yes no
8. develop and implement pollution prevention techniques/practices? yes no

